

PARTIES

5. Plaintiffs are natural persons who reside in Andover, Ashtabula County, Ohio and is allegedly obligated to pay a debt, and Plaintiffs are “consumers” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiffs, and Plaintiffs are consumer debtors.
7. Defendant is a debt collector with an office in Woodland Hills, California.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Beginning on or around January 20, 2011, Defendant placed collection calls to Plaintiffs seeking and demanding payment for an alleged debt.
11. Defendant called Plaintiff from 1-818-347-2700 at their home at 440-293-6947.
12. On January 27, 2011, Plaintiffs sent Defendant a written demand for Defendant to cease and desist communication with Plaintiffs, with confirmation of receipt via fax. (Exhibit A).
13. On February 2, 2011 around 1:25PM EST, Defendant called Plaintiffs from 1-977-864-4623.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following: Defendant violated §1692c(c) of the FDCPA by contacting Plaintiffs after receiving written notification to cease communication.

WHEREFORE, Plaintiffs, ARTHUR AND TERESA LOVELAND, respectfully request judgment be entered against Defendant, CAINE & WEINER COMPANY, INC. . for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ARTHUR AND TERESA LOVELAND, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
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PS

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiffs, ARTHUR AND TERESA LOVELAND, each state the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ARTHUR AND TERESA LOVELAND, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Mar 11 2011

Date

Arthur Loveland

ARTHUR LOVELAND

Mar. 11, 2011

Date

Teresa Loveland

TERESA LOVELAND